

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No. SACV 14-0045-DOC (DFMx)

Date: March 28, 2014

Title: MK LAS CASITAS LLC v. TION MORELAND

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Julie Barrera
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:
None Present None Present

**PROCEEDINGS (IN CHAMBERS): ORDER REMANDING ACTION TO
ORANGE COUNTY SUPERIOR
COURT**

On January 13, 2014, pro se Defendant Tion Moreland removed this action from Orange County Superior Court. *See generally* Notice of Removal (Dkt. 1). This Court issued an order to show cause as to how it had subject matter jurisdiction over the action. Minute Order, January 14, 2014 (Dkt. 4). After considering the responses, the Court finds that it lacks subject matter jurisdiction and, therefore, REMANDS the suit back to Orange County Superior Court.

It is well-established that federal courts have only limited jurisdiction and “must raise issues concerning . . . subject matter jurisdiction *sua sponte*.¹⁰ *Bernhardt v. Cnty. of Los Angeles*, 279 F.3d 862, 871 (9th Cir. 2002).

This action is a simple unlawful detainer. *See* Notice of Removal, Ex. 1. “Courts have repeatedly held that unlawful-detainer actions do not present a federal question.” *Make It Nice, LLC v. Manos*, No. 13-cv-09566, 2014 U.S. Dist. LEXIS 1711, at *2 (C.D. Cal. Jan. 6, 2014) (citing *Aurora Loan Servs. v. De La Rosa*, No. 11-912, 2011 U.S. Dist. LEXIS 69217, at *3 (C.D. Cal. June 27, 2011)).

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Page 2

Defendant invokes several federal laws, including the Fair Debt Collection Practices Act. However, “[t]he presence or absence of federal-question jurisdiction is governed by the ‘well-pleaded complaint rule,’ which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.” *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987). Here, at most, Defendant has a federal defense or counterclaim; there is no federal claim on the face of Plaintiff’s complaint.

Therefore, the Court REMANDS this action back to Orange County Superior Court for further proceedings. The scheduling conference set for April 7, 2014 is VACATED.

The Clerk shall serve this minute order on the parties.

MINUTES FORM 11
CIVIL-GEN

Initials of Deputy Clerk: jcb